

University of Maryland.

Law Department.

INTERMEDIATE CLASS.

Examination, Wednesday, January 26th, 1910.

GENERAL DIRECTIONS.

Number each answer to correspond to number of each question, but do not copy question.

Write only on one side of the page.

Each book must contain the pledge, substantially in this form:

"Upon my honor, I have neither given nor received any aid in this examination."
Signature.

Two hours and a half will be allowed for the examination, from 4 to 6.30 P. M.

EXECUTORS AND ADMINISTRATORS.

1. What are the limitations upon the powers of the Orphans' Courts in Maryland? (2) ✓

2. What is necessary to constitute undue influence, such as will invalidate a will? Where does the burden of proof rest? (3) ✓

3. Who, if anyone, is entitled to notice of an application for letters *cum testamento annexo*, and what persons, if any, are entitled to a preference in the grant of such letters? (3) ✓

4. What are the functions of the Orphans' Court with regard to issues? (3) ✓

5. M. by his will devised a certain farm to B.; subsequently M. sold and conveyed the property to S.; but after his death the deed was found defective and inoperative; was there or not a revocation of the devise? (2)

6. Under what circumstances are legacies to be regarded as cumulative? (1)

7. Mrs. B. by her will bequeathed to her sister all money which should become due to her by reason of a certain policy of insurance on the life of her husband. Mr. B. dying first. Mrs. B. collected the insurance herself. Was the legacy to the sister specific or demonstrative, and if you shall say specific, was it or not adeemed? (3) *adeemed*

8. What is meant by the acceleration of a legacy, and under what circumstances will it take place? (2)

9. The will of B. contained the following provisions: "I hereby direct that all pecuniary legacies hereinbefore given shall be paid by my executors within six months after my death"; the testator died January 2nd, 1908. At the expiration of six months application for payment was made by a pecuniary legatee, and the demand was refused by the Executor; suit was then instituted to compel the Executor to pay the legacy, and interest from July 2nd, 1908, to the date of payment; could such suit be successfully maintained? Why? (3)

10. When, if ever, will a mortgagee be required to look to the mortgaged property of a deceased for the payment of his debt, rather than collect it from the administrator? (3)

after default - must pay over